

PLANNING COMMISSION

December 4, 2019

Action Minutes

WELCOME

SALUTE TO THE FLAG

ROLL CALL

PRESENT: Commissioners Ballard, Griswold, Allen (arrived 6:33pm), Caballero, Oliverio (arrived 6:37pm), Yesney

ABSENT: Commissioner Bonilla

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at 6:30 p.m.

2. PUBLIC COMMENT

Brian Darby urged the Planning Commissioners to consider people when making their final decisions/recommendations because the City needs more housing. The decisions/recommendations affect people positively and negatively.

3. DEFERRALS AND REMOVALS FROM CALENDAR

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the Press Table.

Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other items, you should say so at this time.

No Items.

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://sanjoseca.gov/index.aspx?NID=1763>

4. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately.

Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time.

- a. [CP17-055 \(Administrative Hearing\)](#). Conditional Use Permit to allow a day care center for a maximum 60 students in an existing building with minor exterior modifications including a new playground, doors, trash enclosure, and fencing on an approximately 0.52-gross acre site located on the west side of Piedmont Road (1325 Piedmont Road) (Ko Yiichung I and Yang Jannjann ET AL, Owner). Council District 4. CEQA: Exempt pursuant to CEQA Guidelines Section 15303(c) (Class 1, Existing Facilities).

PROJECT MANAGER, RHONDA BUSS

ACTION: COMMISSIONER CABALLERO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION TO:

- 1. CONSIDER THE EXEMPTION IN ACCORDANCE WITH CEQA; AND**
- 2. ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A DAY CARE CENTER FOR A MAXIMUM OF 60 STUDENTS IN AN EXISTING BUILDING WITH MINOR EXTERIOR MODIFICATIONS INCLUDING A NEW PLAYGROUND, DOORS, TRASH ENCLOSURE, AND FENCING ON AN APPROXIMATELY 0.52-GROSS ACRE SITE.**

COMMISSIONER OLIVERIO SECONDED THE MOTION (6-0-1, BONILLA ABSENT)

- b. [CP18-034 \(Administrative Hearing\)](#). Conditional Use Permit to allow the demolition of all buildings and structures including a single-family house, truck wash, print shop, tire shop, shed, structures including billboards, fencing, canopies, tank, and wall (except the wall along the westerly property line) on site, the removal of eight ordinance-size trees for the construction of an approximately 64,735-square foot 116-room hotel and an approximately 2,880-square foot car wash on an approximately 2.66-gross acre site located on the southwest corner of Horning Road and Oakland Road (955 Oakland Road) (J E V Properties Inc., Owner). Council District 3. CEQA: Mitigated Negative Declaration for Blue Wave Express Car Wash and Hotel Project.

PROJECT MANAGER, RHONDA BUSS

PULLED FROM CONSENT CALENDAR AT THE REQUEST OF COMMISSIONER ALLEN AND HEARD UNDER PUBLIC HEARING

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO APPROVE THE STAFF RECOMMENDATION TO:

- 1. ADOPT A RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND ASSOCIATED MITIGATED MONITORING REPORT AND REPORTING PROGRAM IN ACCORDANCE WITH CEQA, AND**
- 2. ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE DEMOLITION OF ALL BUILDINGS AND STRUCTURES INCLUDING A SINGLE-FAMILY HOUSE, TRUCK WASH, PRINT SHOP, TIRE SHOP, SHED, STRUCTURES INCLUDING BILLBOARDS, FENCING, CANOPIES, TANK, AND WALL (EXCEPT THE WALL ALONG THE WESTERLY PROPERTY LINE) ON SITE, THE REMOVAL OF EIGHT ORDINANCE-SIZE TREES FOR THE**

CONSTRUCTION OF AN APPROXIMATELY 64,735-SQUARE FOOT, 116-ROOM HOTEL AND AN APPROXIMATELY 2,880-SQUARE FOOT CAR WASH ON AN APPROXIMATELY 2.66-GROSS ACRE SITE.

COMMISSIONER GRISWOLD SECONDED THE MOTION (4-2-1, YESNEY AND ALLEN OPPOSED, BONILLA ABSENT)

5. PUBLIC HEARING

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. [PP19-080](#). An ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to further align with California State Law requirements: (a) add new Part 4.5 “Accessory Dwelling Units,” including Sections 20.30.460 (Single-Family Dwelling Lot), 20.30.470 (Junior Accessory Dwelling Units), 20.30.480 (Two-Family and Multi-Family Dwelling Lots), 20.30.490 (Amnesty Program); amend Section 20.30.110 (Incidental Uses); amend Section 20.30.310 (Minor One-story Addition); amend Section 20.80.160 (Incidental Transient Occupancy); amend Section 20.90.220 (Reduction in required off-street parking spaces); (b) delete Section 20.30.150 (Secondary Units) from Part 2 “Uses Allowed”; (c) amend Section 20.200.325 to add clarifying language to Accessory Dwelling Unit definition, and add Section 20.200.342 to include new definition of Junior Accessory Dwelling Unit; and to make other technical, non-substantive, or formatting changes within sections of Title 20 of the San José Municipal Code. CEQA: Determination of Consistency with the Envision San Jose 2040 General Plan Final Program Environmental Impact Report (FEIR), adopted through Resolution No. 76041, and Supplemental EIR Resolution No. 77617, adopted on December 15, 2015, and Addenda thereto. Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs. *Deferred from 11/13.*

PROJECT MANAGER, APARNA ANKOLA

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE ALL THE FOLLOWING ACTIONS:

- 1. CONSIDER THE DETERMINATION OF CONSISTENCY WITH THE ENVISION SAN JOSE 2040 GENERAL PLAN FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (FEIR), ADOPTED THROUGH RESOLUTION NO. 76041, AND SUPPLEMENTAL EIR RESOLUTION NO. 77617, ADOPTED ON DECEMBER 15, 2015, AND ADDENDA THERETO. PURSUANT TO SECTION 15168 OF THE CEQA GUIDELINES, THE CITY OF SAN JOSÉ HAS DETERMINED THAT THIS ACTIVITY IS WITHIN THE SCOPE OF THE EARLIER APPROVED PROGRAMS AND THE FINAL PROGRAM EIRS ADEQUATELY DESCRIBE THE ACTIVITY FOR PURPOSES OF CEQA. THE PROJECT DOES NOT INVOLVE NEW SIGNIFICANT EFFECTS BEYOND THOSE ANALYZED IN THE FINAL PROGRAM EIRS. IN ACCORDANCE WITH CEQA.**

2. ADOPT AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING ORDINANCE OR ZONING CODE) OF THE SAN JOSÉ MUNICIPAL CODE TO ALIGN WITH RECENTLY ADOPTED CALIFORNIA STATE LAW REQUIREMENTS TO

(A) ADD NEW PART 4.5 “ACCESSORY DWELLING UNITS,” INCLUDING SECTIONS 20.30.460 (SINGLE-FAMILY DWELLING LOT), 20.30.470 (JUNIOR ACCESSORY DWELLING UNITS), 20.30.480 (TWO-FAMILY AND MULTI-FAMILY DWELLING LOTS), 20.30.490 (AMNESTY PROGRAM); AMEND SECTION 20.30.110 (INCIDENTAL USES); AMEND SECTION 20.30.310 (MINOR ONE-STORY ADDITION); AMEND SECTION 20.80.160 (INCIDENTAL TRANSIENT OCCUPANCY); AMEND SECTION 20.90.220 (REDUCTION IN REQUIRED OFF-STREET PARKING SPACES);

(B) DELETE SECTION 20.30.150 (SECONDARY UNITS) FROM PART 2 “USES ALLOWED”;

(C) AMEND SECTION 20.200.325 TO ADD CLARIFYING LANGUAGE TO ACCESSORY DWELLING UNIT DEFINITION, AND ADD SECTION 20.200.342 TO INCLUDE NEW DEFINITION OF JUNIOR ACCESSORY DWELLING UNIT; AND TO MAKE OTHER TECHNICAL, NON-SUBSTANTIVE, OR FORMATTING CHANGES WITHIN SECTIONS OF TITLE 20 OF THE SAN JOSÉ MUNICIPAL CODE; AND

(D) MAKE THE CHANGES RECOMMENDED BY STAFF AT THE COMMISSION HEARING TO:

(1) AMEND SECTION 20.30.460.A(2) OF THE PROPOSED ORDINANCE TO READ IN RELEVANT PART AS FOLLOWS: “(2) IN PLANNED DEVELOPMENT ZONING DISTRICTS THAT ALLOW SINGLE-FAMILY USES ARE AUTHORIZED IN ACCORDANCE WITH CHAPTER 20.60 OF THIS TITLE IF...”; AND

(2) AMEND SECTION 20.30.470.B TO READ AS FOLLOWS: “B. SHALL INCLUDE A SEPARATE ENTRANCE FROM THE MAIN ENTRANCE TO THE PRIMARY DWELLING UNIT, AND MAY INCLUDE AN INTERIOR ENTRY TO THE MAIN LIVING AREA.”

COMMISSIONER CABALLERO SECONDED THE MOTION (6-0-1, BONILLA ABSENT)

6. OPEN GENERAL PLAN HEARING

7. GENERAL PLAN CONSENT CALENDAR

No Items

8. GENERAL PLAN PUBLIC HEARING

- a. [GP18-014, GPT19-004, PDC18-037, PD19-019, & PT19-023.](#) General Plan Amendment to change the Land Use Designation from Residential Neighborhood to Urban Residential; General Plan Text Amendment to make minor modifications to the Santana Row/Valley Fair Urban Village Plan to remove references to Winchester Mobile Home Park, update the Building Height Diagram and update the transition areas; Planned Development Rezoning from the A(PD) Planned

Development Zoning District to the R-M(PD) Planned Development Zoning District; Planned Development Permit to allow the conversion of a mobile home park to another use, the demolition of 111 mobile homes, recreation building (approximately 3,600 square feet), a pool (approximately 820 square feet), 36 sheds (ranging from 120 square feet to 400 square feet), the construction of 687 residential units (24 row home buildings, six flat buildings, and one apartment podium building); Vesting Tentative Map to subdivide one parcel to up to 64 parcels for the development of 687 residential units including townhomes, condominium, and apartment units on an approximately 15.7-gross acre site located on the southwest corner of Prune Way and Maplewood Avenue (555 South Winchester Boulevard) (Cali-Arioto LLC ET AL, owner) Council District 1. CEQA: Environmental Impact Report for the Winchester Ranch Residential Project.

PROJECT MANAGER, STEFANIE FARMER

ACTION: COMMISSIONER OLIVERIO MADE A MOTION TO RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS:

- 1. ADOPT A RESOLUTION CERTIFYING HE WINCHESTER RANCH RESIDENTIAL PROJECT ENVIRONMENTAL IMPACT REPORT AND MAKE CERTAIN FINDINGS CONCERNING SIGNIFICANT IMPACTS, MITIGATION MEASURES AND ALTERNATIVES, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED; AND**
- 2. ADOPT A RESOLUTION AMENDING THE ENVISION SAN JOSÉ 2040 GENERAL PLAN LAND USE/TRANSPORTATION DIAGRAM LAND USE DESIGNATION FROM RESIDENTIAL NEIGHBORHOOD TO URBAN RESIDENTIAL FOR 555 SOUTH WINCHESTER BOULEVARD ON AN APPROXIMATELY 15.7-GROSS ACRE SITE.**
- 3. ADOPT A RESOLUTION AMENDING THE SANTANA ROW/VALLEY FAIR URBAN VILLAGE PLAN TO REMOVE REFERENCES TO WINCHESTER MOBILE HOME PARK, UPDATE THE BUILDING HEIGHT DIAGRAM TO INCREASE THE ALLOWABLE HEIGHT TO 55 FEET AND 85 FEET TO ACCOMMODATE THE PROPOSED PROJECT, UPDATE THE TRANSITION AREAS TO REFLECT STEP DOWNS FOR ADJACENT RESIDENTIAL PROPERTIES, INCLUDE PUBLIC PARK LAND USE FIGURES, AND INCLUDE PUBLIC PASEO AND CIRCULATION UPDATES**
- 4. APPROVE AN ORDINANCE REZONING AN APPROXIMATELY 15.7-GROSS ACRE SITE GENERALLY BOUNDED BY PRUNE WAY TO THE NORTH; HIGHWAY 280 TO THE SOUTH; SOUTH WINCHESTER TO THE EAST AND SINGLE-FAMILY HOMES ALONG PAPAC WAY TO THE WEST, FROM THE A(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO THE R-M(PD) PLANNED DEVELOPMENT ZONING DISTRICT TO ALLOW UP TO 687 MULTI-FAMILY RESIDENTIAL UNITS.**
- 5. ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, THE VESTING TENTATIVE MAP TO SUBDIVIDE 1 PARCEL TO UP TO 64 PARCELS FOR DEVELOPMENT OF 687 RESIDENTIAL UNITS INCLUDING TOWNHOMES, CONDOMINIUM, AND APARTMENT UNITS ON AN APPROXIMATELY 15.7-GROSS ACRE SITE.**

COMMISSIONER GRISWOLD SECONDED THE MOTION (6-0-1, BONILLA ABSENT)

9. CONTINUE THE GENERAL PLAN HEARING TO JANUARY 15, 2020

10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

11. GOOD AND WELFARE

a. Report from City Council

On November 19, 2019, City Council took action on the following projects:

- i. Approved Conventional Rezoning of Certain Real Property Located at 19 South 21st Street. (C19-015)*
- ii. Approved Conforming Rezoning of Certain Real Property Located at the Southeast Corner of Moorpark Avenue and Legh Avenue. (C19-034)*
- iii. Approved the Conforming Rezoning, Special Use Permit and Site Development Permit of Certain Real Property Located at 335 South Winchester Boulevard. (C18-043 & SP18-049)*
- iv. Approved Special Use Permit and Vesting Tentative Map for Certain Real Property Located at the Southeast Corner of South 1st Street and East Reed Street. (SP18-001 & T18-001)*

On December 3, 2019, City Council took action on the following projects:

- i. Approved General Plan Amendment and Conforming Rezoning of Certain Real Property Located at 1131 Park Avenue and 15 and 17 Tillman Avenue (GP18-008 & C18-019)*
- ii. Approved Historical Property Contract (California Mills Act Contract) for “Bank of Italy” Located at 12 South First Street. (MA19-005)*
- iii. Approved Historic Landmark Designation and Historical Property Contract (California Mills Act Contract) for the “Filice House” Located at 1651 Hanchett Avenue. (HL19-004 & MA18-002)*

b. Review and Approve Action Minutes from [11/13/19](#)

Commissioner Yesney made a motion to approve the 11/13/19 minutes.

Commissioner Griswold seconded the motion. (5-0-1-1, Bonilla absent, Caballero abstained)

c. Subcommittee Formation, Reports, and Outstanding Business

No Reports

d. Commission Calendar and Study Sessions

The Planning Commission requested that the approved 2020 Planning Commission Meeting schedule be attached to all future agendas.

e. The Public Record

No Reports

10. ADJOURNMENT

Meeting adjourned at 9:09 p.m.